

Christopher, Anne

From: Brinkerhoff, Larry D (DEC) <larry.brinkerhoff@alaska.gov>
Sent: Tuesday, July 29, 2014 4:40 PM
To: Steele, William E (DEC); Paige, Cheryl E (DEC); Horwitz, Benjamin; Christopher, Anne
Subject: 518-Soldotna Y Chevron Compliance Letter for Operator Training
Attachments: 518-Compliance Letter failed June 2014 ADEC inspection.PDF

Attached is a copy of the certified letter that was sent today to Mark Rozak. It outlines ADEC's position on deferring the lead for enforcement to EPA with the exception the state specific operator training violations.

Larry Brinkerhoff
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UST Web Page:
<http://dec.alaska.gov/spar/ipp/tanks.htm>



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Environmental
Conservation

DIVISION OF SPILL PREVENTION & RESPONSE
INDUSTRY PREPAREDNESS PROGRAM
Terminals, Tank Farms, & Underground Storage Tanks

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July 29, 2014

COMPLIANCE LETTER

CERTIFIED MAIL 7012 3460 0002 9327 0138 RETURN RECEIPT REQUESTED

Soldotna Y Chevron
Attn: Mark Rozak
44024 Sterling Highway
Soldotna, AK 99669

Subject: 2014 ADEC Inspection of Underground Storage Tanks Failure Notice; Operator Training Required; Soldotna Y Chevron, ADEC UST Facility #518.

Dear Mr. Rozak:

The Alaska Department of Environmental Conservation (department) completed a compliance inspection of your Underground Storage Tanks (UST) outlined below in conjunction with the U.S. Environmental Protection Agency on June 16, 2014.

Facility Name: Soldotna Y Chevron			ADEC Facility #518	
Address: 44024 Sterling Highway			City: Soldotna, AK	
ADEC Tank	Owner Tank	Contents	Volume	Compliance Tag
5	5	Used Oil	1,000 gls	1143
6	4	Gasoline	10,000 gls	0900
7	3	Diesel	6,000 gls	0901
8	2	Gasoline	6,000 gls	0902
9	1	Diesel	1,500 gls	0903

During the inspection, multiple areas of concern involving all five regulated USTs were found to potentially be in violation of both federal UST rules (40 CFR 280) and state of Alaska UST rules (18 AAC 78). Each area of concern was identified on the U.S. Environmental Protection Agency's (EPA) UST Inspection Notice that you were provided with at the conclusion of the inspection. As the lead agency during the inspection, the EPA will retain the lead role for all follow-up enforcement actions related to regulatory items confirmed to be in violation of both federal and state UST rules. If necessary, the department will assume enforcement responsibilities at such time the EPA completes its enforcement and unaddressed violations of 18 AAC 78 remain uncorrected, or if the EPA refers corrective action enforcement of any particular confirmed violation(s) to the department. In the meantime, you are required to continue to comply with all state of Alaska UST statutes and regulations while the EPA completes its review of potential violations and during any subsequent EPA compliance enforcement activities.

July 29, 2014

In addition to the identified areas of concern listed on the EPA's UST Inspection Notice, the department also identified during the inspection that no employees at the location are currently trained to at least the Class C operator level. 18 AAC 78.008(e) requires that an individual having any daily onsite responsibility for addressing an emergency presented by a spill or release be trained to at least a Class C operator level. The department has confirmed that Soldotna Y Chevron is currently in violation of the following state of Alaska UST regulation; 18 AAC 78.008(e): Failure to ensure a Class C operator is trained and on site during operations.

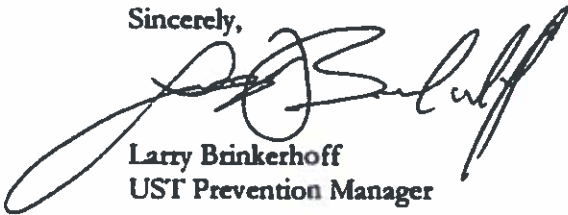
To address the noncompliance outlined above, you are required to comply with the following state of Alaska corrective actions (CA). Failure to comply with these requirements may result in the department issuing a formal Notice of Violation.

CA1) You are required to provide the department with proof of Class C operator training completion for an adequate number of employees to ensure coverage during all shifts no later than August 15, 2014. A list of department-approved online UST operator training vendors can be found at <http://dec.alaska.gov/spar/ipp/ust/training.htm>.

CA2) As a result of the noncompliance with state of Alaska UST regulations noted during the inspection, 18 AAC 78.008(k) requires that the current Class A/B operator to repeat Class A/B training within 30 days of when the department determines the USTs to be out of compliance. You are required to repeat the entire Class A/B operator curriculum and submit a copy of the new training certificate to the department no later than August 15, 2014. You may also choose to designate a new person as the Class A/B operator for this facility and submit a copy of their original training certificate and department Class A/B designation form in lieu of you repeating training yourself. If you choose this option, documentation must be submitted to the department no later than August 29, 2014.

If you have any questions concerning the content of this Compliance Letter, please call me at (907) 269-3055 or email larry.brinkerhoff@alaska.gov.

Sincerely,



Larry Brinkerhoff
UST Prevention Manager

Electronic cc:

Bill Steele, ADEC
Cheryl Paige, ADEC
Anne Christopher, U.S. EPA
Ben Horwitz, U.S. EPA